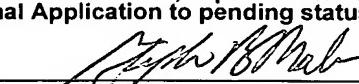




IAP7 Rec'd PCT/PTO 29 MAR 2006

FORM PTO-1390 (Modified)
U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE
(REV 12-2004)

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 065691-0397 U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 10/542,406
INTERNATIONAL APPLICATION NO. PCT/FR2004/000085	INTERNATIONAL FILING DATE 1/16/2004	PRIORITY DATE CLAIMED 1/17/2003
TITLE OF INVENTION COMPOSITION FOR ORAL ADMINISTRATION CONTAINING CAPSAICINOIDS		
APPLICANT(S) FOR DO/EO/US Bernadette VERNEAU		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). <input checked="" type="checkbox"/> has been communicated by the International Bureau. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US) </p> <p>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> <input type="checkbox"/> is attached hereto. <input checked="" type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). </p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> <input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau). <input checked="" type="checkbox"/> have been communicated by the International Bureau. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input type="checkbox"/> have not been made and will not be made. </p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
Items 11 to 20 below concern other document(s) or information included:		
<p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A second preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information: Return copy of Notification of Missing Requirements.</p>		

U.S. APPLICATION NO. (If known, see 37 CFR. 1.5) 10/542,406	INTERNATIONAL APPLICATION NO. PCT/FR2004/000085	ATTORNEY'S DOCKET NUMBER 065691-0397
The following fees have been submitted:		
21. <input checked="" type="checkbox"/> Basic national fee \$300 \$ 300.00 22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) \$100 \$ 200.00 All other situations \$200		
23. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100 International Search Report prepared and provided to the Office \$400 All other situations \$500 \$ 400.00 TOTAL OF ABOVE 21, 22 and 23 = \$ 900.00		
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$ for each additional 50 sheets of paper or fraction thereof.		
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)
17 - 100 = 0	/50 = 0	x \$250.00 \$ 0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e))		
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total Claims	22 - 20 = 2	x \$ 50.00 \$ 100.00
Independent Claims	1 - 3 = 0	x \$ 200.00 \$ 0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		
TOTAL OF ABOVE CALCULATIONS = \$ 1130.00		
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.		
SUBTOTAL = \$ 565.00		
Processing fee of 130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		
TOTAL NATIONAL FEE = \$ 565.00		
TOTAL FEE PREVIOUSLY PAID: \$ 500.00		
TOTAL FEES ENCLOSED = \$ 65.00		
04/03/2005 GFRY1 00000117 10542406 01 FC:2617 65.00 00		Amount to be refunded: charged:
a. <input checked="" type="checkbox"/> A check in the amount of \$500.00 was submitted on 7/15/2005. The balance due as calculated above is \$65.00, for which a credit card authorization form is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. <u>19-0741</u> in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>19-0741</u> . A duplicate copy of this sheet is enclosed. d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.		
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.		
SEND ALL CORRESPONDENCE TO:		
Foley & Lardner LLP Customer Number: 22428		
 SIGNATURE <u>Stephen B. Maebius</u> NAME <u>35,264</u> REGISTRATION NUMBER		